

## Sen. Smith: Pay Attention Before Your Car is Towed

Written by Jeff Smith, State Senator District 31  
Wednesday, 12 February 2020 10:28

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<http://newiproggressive.com/images/stories/S5/car-repo-s5.jpg>



***Recently, Senate Bill 613, legislation that could devastate the life of someone who relies on their vehicle to drive to work or take their children to school, was quietly introduced under the radar in Madison.***

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MADISON - Every day, we consume so much new information. While watching TV, reading the local paper or scrolling through social media, we may even feel overwhelmed by all the news available to us.

I start feeling the same way when I think about the legislation introduced this session. There have been more than 800 bills introduced in the Senate, alone. Most likely, you've learned about some legislative proposals; however, there are some policies quietly introduced or adopted under the radar that have huge implications for Wisconsinites.

Despite everything that's going on in our lives and the news everywhere around us, it's important to pay attention and be aware of the policies affecting our future.



Recently, I joined my colleagues on the Senate Committee on Government Operations, Technology and Consumer Protection for a public hearing. Public hearings serve a useful

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purpose for legislators. Once a bill is introduced, it's assigned to a committee and the committee Chair can decide whether to hold a public hearing on the proposal. During a public hearing, legislators can learn a lot about the bill, its background and the potential consequences of the policy before taking a vote.

During the recent hearing, we learned about Senate Bill 613, a seemingly simple bill that could have a huge impact on the lives of Wisconsin residents, like in the following scenario.

If a lessee missed payments on a car loan, the lender may employ someone to repossess the vehicle right out of the lessee's driveway. Of course, the lender has the legal right to do so if the lessee truly missed payments. If the lender believes a lessee missed payments, the lender will send a letter notifying the lessee of the overdue fees.

If the lender hasn't heard back in 15 days, they may contact a reposessor. The next day, the tow truck pulls up and the driver begins to hook up the vehicle. However, the lessee may not have received the letter, their payment may have come in after the repossession order was made or the lender may have mistakenly given the reposessor the wrong vehicle identification number. The lessee comes outside, insisting the reposessor stops the towing process.

Currently, the lessee has the ability to stop the repossession temporarily through this "breach of peace" until the lender can prove they deserve repossession to a court. Situations like these have the capacity to escalate. The "breach of peace" policy is in place to protect everyone involved and prevent escalation and potential violence.

Senate Bill 613 redefines "breach of peace" which, consequently, weakens the rights of consumers and holds the reposessor harmless from charges even if they took the lessee's vehicle. During the executive session, I proudly voted against this bill.

The passage of this bill on the Senate floor could be devastating to someone who relies on their vehicle to drive to work or take their children to school, but mistakenly had this vehicle taken. This could cause the individual to miss work and lose pay to support their family, which could continue to snowball causing great harm to the family. Yet, there still would be no repercussions for the lender or reposessor.

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This bill is so tilted against the consumer, it's ironic that the bill was assigned to the Committee tasked to protect consumers. It's shameful, but unfortunately, not surprising.

Over the last decade, Republicans have turned their back on consumers at the request of an industry. This proposal adds one more weight in the scales of justice against Wisconsin families. The same shift in the scales occurred in the relationship between tenants and landlords, which has greatly contributed to the affordable housing crisis Wisconsin is facing.

As session continues and some proposals move forward to public hearings, I'm committed to protecting families from harmful policies, like Senate Bill 613. Consumers and families working to make ends meet are overdue for attention to their needs. Let's find solutions for those dealing with debt, rather than doubling down on their despair.